

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference

15336/-/T

Date of mailing
(day/month/year)

See form PCT/ISA/210

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/002516

International filing date (day/month/year)

11.03.2004

Priority date (day/month/year)

11.03.2003

International Patent Classification (IPC) or both national classification and IPC

D07B 1/16, 7/16

Applicant

CASAR DRAHTSEILWERK SAAR GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Date of completion of this opinion

Authorized officer

Facsimile No.

Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this opinion has been established on the basis of:
 - ☐ the international application in the language in which it was filed
 - ☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed
 - ☐ filed together with the international application in electronic form
 - ☐ furnished subsequently to this Authority for the purposes of search
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II

Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-8, 10	YES
	Claims	1, 9	NO
Inventive step (IS)	Claims	6, 7	YES
	Claims	1-5, 8-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations:

1. Reference is made to the following documents:

D1: US-A-4 120 145

D2: EP-A-1 001 075.

2. The present application does not comply with the requirements of PCT Article 33(1), because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2) and does not involve an inventive step within the meaning of PCT Article 33(3).

2.1 Document D1 discloses (the references in parentheses are to D1) a method for producing a wire cable with a core cable (10, 12) in which:

- after the outer stranded layer (20) is stranded, the wire cable is hammered in order to smooth its surface and/or to increase its filling factor;

- before the outer stranded layer (20) is stranded, an intermediate layer (18) made of a plastic is applied to the core cable (10, 12); and

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citations and explanations supporting such statement

- the outer stranded layer (20) is pressed into the plastic during stranding.

2.2 Consequently, the subject matter of claim 1 is not novel (PCT Article 33(2)) when it relates to a method for producing a wire cable with a core cable.

2.2 If, on the contrary, it relates to a method for producing a wire cable with a core strand (instead of a core cable), then the subject matter of claim 1 does not involve an inventive step (PCT Article 33(3)) in relation to document D1. The use of a core strand is only one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances, without thereby being inventive.

3. The present application does not comply with the requirements of PCT Article 33(1), because the subject matter of claim 2 does not involve an inventive step within the meaning of PCT Article 33(3).

3.1 Document D2 is considered to be the closest prior art for the subject matter of claim 2. D2 discloses (the references in parentheses are to D2) a method for producing a wire cable (1):

comprising a core (3) consisting of a plastic strand (6, 7)

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- on which a stranded layer (2) is stranded.

- 3.2 The subject matter of claim 2 differs therefore from the known method in that the wire cable is hammered after the stranded layer is stranded.
- 3.3 The problem to be solved by the present invention can therefore be considered that of simultaneously deforming all the strands of the outer stranded layer in one method step.
- 3.4 The solution to this problem as proposed in claim 2 of the present application cannot be considered inventive (PCT Article 33(3)), because the same feature has already been used to solve the same problem in a similar method (cf. document D1, in particular column 2, lines 52 to 57). If a person skilled in the art wished to achieve the same aim in a method as per document D2, he could easily apply this feature to like effect to the subject matter of document D2. In this way he would arrive at a method as per claim 2 without thereby being inventive.
4. Dependent claims 3-5 and 8 do not contain any features which, combined with the features of any claim to which they refer, meet the PCT requirements for inventive step (PCT Article 33(3)), because these features are of the kind that a person skilled in the art routinely makes on the basis of familiar considerations,

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especially since the resulting advantages are readily foreseeable. In addition, document D2 discloses the features of claim 5 (see reference sign 8 in figure 2).

5. The combination of features in dependent claims 6 and 7 is neither known from, nor suggested by, the available prior art. The problem to be solved with these features can therefore be considered that of ensuring that the plastic of the intermediate layer has the time and the space to soften during hammering. Claims 6 and 7 therefore meet the PCT requirements for novelty and inventive step.
6. The present application does not comply with the requirements of PCT Article 6, because claim 9 is not clear.
 - 6.1 The feature 'is hammered in order to smooth its surface and/or to compact it' in product claim 9 relates to a method for producing the product and not to the definition of the product in terms of its technical features. Consequently, the intended restrictions are not clear from the claim, contrary to PCT Article 6.
7. Because of the lack of clarity mentioned in item 6, the novelty (PCT Article 33(2)) of the subject matter of claim 9 is therefore also doubtful.
 - 7.1 Document D1 discloses (the references in

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parentheses are to D1) a wire cable which has a plastic intermediate layer (18) beneath the hammered outer stranded layer (20).

7.2 Document D2 discloses (the references in parentheses are to D2) a wire cable (1) which has a plastic core (3) beneath the hammered outer stranded layer (2).

7.3 The subject matter of claim 9 is therefore not novel (PCT Article 33(2)).

8. Dependent claim 10 does not contain any features which, combined with the features of claim 9, meet the PCT requirements for inventive step (PCT Article 33(3)), because these features are of the kind that a person skilled in the art routinely makes on the basis of familiar considerations, especially since the resulting advantages are readily foreseeable.